

II. REMARKS

A. Introductory Remarks

Reconsideration and allowance of this application is earnestly requested. Claims 77-106 and 108-139 are currently pending in this application. By this amendment, claims 77-101, 104-106, 108-111, 118, and 112, 130-138 have been amended. These amendments reflect the language of the original claims as filed and do not add any prohibited new matter. Claims 102-103, 107, 112-117, 119-129, and 139 have been cancelled without prejudice for clarity and scope. New dependent claim 140 is added, which corresponds to cancelled claim 113. Applicants, however, reserve the right to file any continuation applications to pursue the subject matter of any cancelled claims.

B. Rejection of Claims 135-137 under 35 U.S.C. §112, Second Paragraph

Claims 135-137 have been rejected as allegedly being indefinite under 35 U.S.C. §112, second paragraph. Specifically, the Office Action asserted that claims 135, 136 and 137 were indefinite as to the limitation “first abrasive” because this lacked antecedent basis.

Without acquiescing to the merits of the rejection, Applicants have amended claims 135-137 by deleting the recitation “[first]” before the word abrasive. As such, claims 135-137 as amended are definite. Accordingly, Applicants respectfully request withdrawal of this rejection.

C. Rejection of Claims 77-82, 86-106, 108, 109, 111-114, 116-120, 125-130, and 132-136 Under 35 U.S.C. §103

Claims 77-82, 86-106, 108, 109, 111-114, 116-120, 125-130, and 132-136 were rejected as allegedly obvious over U.S. Patent Application No. U.S. 2003/0153184 (“Wang”). *See*, Office Action, at p. 2. In light of the amendments to independent claims 77, 94, and 118, Applicants respectfully traverse these rejections for at least the following reasons.

The Office Action dated September 13, 2007, stated that claims 121-124 and 138-139 were objected to as being dependent upon rejected base claims, *but would be allowable* if rewritten in independent form including all the limitations of the base claims and any

intervening claims. *See*, Office action, at p. 6. Dependent claims 121-124 each recite a suspension agent wherein the suspension agent is ethyl carbonate, a material having a CAS number of CAS#1344-28-1 (*i.e.*, aluminum oxide-C), a hydrous sodium lithium magnesium silicate, and ammonium polymethacrylate. *See* published application 2003/194879 paragraph [0179] for the description regarding CAS#1344-28-1 is Aluminum oxide-C. Without acquiescing to the merits of the Examiner's rejection, Applicants have hereby incorporated these features into the independent claims 77, 94, and 118. Accordingly, independent claim 77, 94, and 118 as amended are believed to be allowable. Therefore, Applicants respectfully request withdrawal of this rejection.

D. Rejection of Claims 112-114, 116-120, 125-130 and 132-136 Under 35 U.S.C. §103(a)

In the Office Action dated September 13, 2007, claims 112-114, 116-120, 125-130 and 132-136 were rejected as allegedly obvious over Wang. *See*, Office Action, at p. 4. Applicants respectfully traverse this rejection in view of the amendments to independent claim 118.

Applicants have cancelled claims 112-117, 119-129 and 139 without prejudice or disclaimer of the subjected matter encompassed therein. As stated above, the Office Action has indicated that claims 121-124 and 138-139 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *See*, Office Action, p. 6.

Without acquiescing to the merits of the Examiner's rejections, Applicants have amended independent claim 118 to incorporate the recited features of claims 121-124. Therefore, Applicants respectfully request withdrawal of this rejection to claim 118 and to the dependent claims that depend therefrom.

E. Rejection of Claims 110 and 131 Under 35 U.S.C. §103(a)

Claims 110 and 131 have been rejected as obvious over Wang in view of U.S. Patent Application No. 2002/0042208 (Beitel). Applicants traverse this rejection in light of the amendments to independent claim 118.

Applicants respectfully submit that claims 110 and 131 depend from amended claim 118 and, therefore, should also be in condition for allowance. Accordingly, Applicants respectfully request withdrawal of this rejection.

F. Rejection of Claims 137 Under 35 U.S.C. §103(a)

Claim 137 has been rejected as obvious over Wang in view of U.S. Patent Application No. 2001/0044264 (Lack). Applicants traverse this rejection in light of the amendments to independent claim 118.

Applicants respectfully submit that claim 137 depends from amended independent claim 118 and, therefore, should also be in condition for allowance. Accordingly, Applicants respectfully request withdrawal of this rejection to claim 137.

G. Rejection of Claims 83-85 and 115 Under 35 U.S.C. §103(a)

Claims 83-85 and 115 have been rejected as obvious over Wang in view of U.S. Patent Application No. 2002/0111027 (Sachan). Applicants traverse this rejection in light of the amendments to independent claims 77 and 94.

Applicants respectfully submit that dependent claims 83-85 and 115 depend from amended independent claims 77 and 94 and, therefore should also be in condition for allowance. Accordingly, Applicants respectfully request withdrawal of this rejection.

H. Conclusion

Since claims 77, 94 and 118 as amended recite subject matter that the Examiner has acknowledged is non-obvious over Wang, Beitel, Lack and Sachan, alone or in combination, Applicants submit that these claims and all claims that depend from these claims should be in condition for allowance.

In the event that any issues remain outstanding, Applicants would appreciate the courtesy of a telephone call to the undersigned counsel to resolve such issues in an expeditious manner so as to place this application in condition for allowance.

A three-month extension fee is co-filed herewith. If any additional fees are determined to be due, the Commissioner is hereby authorized to charge these fees to the Morgan, Lewis & Bockius Deposit Account no. 50-0310.

Respectfully submitted,

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Date: March 13, 2008

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